

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE A MODIFICATION TO THE LEASE AGREEMENT BETWEEN THE SCHOOL BOARD AND THE MIAMI-DADE COUNTY EXPRESSWAY AUTHORITY, FOR USE OF A PAVED PARCEL LOCATED UNDERNEATH STATE ROAD 878 AT SW 80 STREET AND 71 AVENUE, FOR THE STAGING OF DISTRICT SCHOOL BUSES AND FOR LOADING AND UNLOADING STUDENTS RIDING THE METRORAIL

COMMITTEE: FACILITIES AND CONSTRUCTION

LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

Background

Since 1994, the District has utilized an approximate 37,125-square foot paved parcel of land, located underneath State Road 878 at SW 80 Street and SW 71 Avenue (“Property”), for the staging of District school buses loading and unloading students riding the Metrorail (see location map). Approximately 100-150 students attending the Design and Architecture Senior High School, Maritime and Science Technology Academy and New World School of the Arts are shuttled by District school buses from the Dadeland North Metrorail station to this Property each afternoon, where the students board another District school bus that transports them home. The current lease agreement (“Agreement”) between the Board and the Miami-Dade Expressway Authority (“MDX”) will expire upon cessation of the 2018-2019 school year, and there are no renewal options remaining. Due to the continuing need for this Property, staff contacted MDX, who agreed to amend the Agreement via a Modification to the Agreement to provide for a five-year term (July 1, 2019 through June 30, 2024), with one additional five-year renewal period. The rental rate will continue at \$1 per year. The District’s Department of Transportation has indicated a continuing need for this Property to serve students riding the Metrorail.

Proposed Lease Amendment

The District’s Department of Transportation recommends entering into an amendment to the Agreement (“Modification”) with MDX to extend the term for a five-year period (July 1, 2019 through June 30, 2024), under, substantially, the following terms and conditions:

- the term of the Agreement shall be extended for a five-year period commencing July 1, 2019 and ending June 30, 2024, with one additional five-year renewal period, at the mutual option of the parties;
- for purposes of the Agreement, the Superintendent of Schools or his/her designee shall be the party designated by the Board to grant or deny all approvals under the Agreement relating to routine coordination and use of the Property and any other operational issues; and
- in addition to the above, the Superintendent of Schools shall be the party designated by the Board to execute any amendments to the Agreement within the authority granted to the Superintendent by the Board in the Agreement, and to grant or deny any approvals under the Agreement, including, renewing, extending, canceling or terminating the Agreement as provided herein, and placing MDX in default.

All other terms and conditions of the Agreement will remain unchanged, including the following:

- annual rental rate of \$1;
- the District shall be responsible for providing all maintenance, repairs and custodial services to the Property relating to the District's use;
- the District shall be responsible for all utilities and operating expenses, if any, relating to the District's use of the Property; and
- either party may terminate the Agreement at any time, with 180 days prior written notice.

The proposed Modification has been reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management for legal sufficiency and risk management issues, respectively, and found to be in compliance.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to:

- 1) finalize negotiations and execute a Modification to the Lease Agreement between the School Board and the Miami-Dade County Expressway Authority (“MDX”), for use of a paved parcel located underneath State Road 878 at SW 80 Street and SW 71 Avenue, for the staging of District school buses and for loading and unloading students riding the Metrorail, at an annual rental rate of \$1, and under substantially the terms and conditions noted above;
- 2) execute amendments to the Lease Agreement within the authority granted to the Superintendent by the Board in the Lease Agreement; and
- 3) grant or deny all approvals required under the Lease Agreement, including renewing, extending, cancelling or terminating the Lease Agreement, and placing MDX in default, as may be applicable.

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